

**IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF MISSOURI  
SOUTHERN DIVISION**

UNITED STATES OF AMERICA,                          )  
  )  
  )  
Plaintiff,    )  
  )  
vs.    )         **Case No. 07-3116-01-CR-S-GAF**  
  )  
  )  
DERRICK ROBERSON,                                    )  
  )  
Defendant.    )

**ORDER**

Now pending before the Court is Defendant's Motion to Suppress (Doc. #20). Defendant argues that any and all evidence concerning the out-of-court identification of him arising from a photographic array shown to government witness David Frana should be suppressed. Defendant also seeks an order prohibiting the government from offering, through testimony or other means, any and all in-court identifications of him by Mr. Frana.

On May 7, 2008, Chief United States Magistrate Judge James C. England issued his Report and Recommendation (Doc. #40). No objections to the Report and Recommendation have been filed.

Upon careful and independent review of the pending motion, as well as the applicable law, this Court hereby adopts and incorporates as its own Opinion and Order the Report and Recommendation of Chief United States Magistrate Judge James C. England.

Accordingly, it is hereby ORDERED that Defendant's Motion to Suppress (Doc. #20) is OVERRULED and DENIED.

SO ORDERED.

s/ Gary A. Fenner

GARY A. FENNER, JUDGE

UNITED STATES DISTRICT COURT

DATED: June 2, 2008